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| <b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>  |   | Docket Number (Optional)<br>019778-000078 |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]<br><br>on _____<br><br>Signature _____<br><br>Typed or printed name _____ | Application Number<br>10/708,526              | Filed<br>March 10, 2004                   |
|   | First Named Inventor<br>Troy Bourgeois et al. |   |
|   | Art Unit<br>2617                              | Examiner<br>Willie J. Daniel, Jr.         |

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

/frederickdbailey/

\_\_\_\_\_  
Signature

assignee of record of the entire interest.

Frederick D. Bailey

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

\_\_\_\_\_  
Typed or printed name

attorney or agent of record.

Registration number 42282

919/286-8000

\_\_\_\_\_  
Telephone number

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

September 14, 2009

\_\_\_\_\_  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.



\*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Troy Bourgeois

Application No.: 10/708,526  
Filed: March 10, 2004 Confirmation No. 2525  
Group Art Unit: 2617  
Examiner: Willie J. Daniel, Jr.

Title: AUTOMATIC CONFERENCE CALL REPLAY

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**REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Applicant submits that the Office Action issued by the Examiner in the present application contains clear errors in the Examiner's rejections of claims 1-3 pending in this application.

In the Office Action, the Examiner has rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0121790 (Wolff et al.) in view of U.S. Patent Number 5,711,011 (Urs et al.).

Claims 1-3 are pending in the present application.

**Response to Arguments**

In the Response to Arguments section of the Advisory Action and of the Office Action, the Examiner maintains that Applicant's arguments are not persuasive. The Examiner also states "one cannot show non-obviousness by attacking references individually . . ." However, as the Examiner is well aware, Applicant merely attempts to respond to portions of the various references asserted by the Examiner in combination to reject Applicant's claims. If any of the cited portions fail to disclose what is asserted

by the Examiner, then the entire combination fails to disclose or suggest Applicant's claimed limitations.

Regarding the Examiner's remaining comments, the Examiner fails to specifically address each of Applicant's specific arguments but merely re-asserts the sections cited in the Office Action. As one example, the Examiner does not state where in any of the cited references a signal from a group member initiates recording the conference call within the network infrastructure of the mobile telephone network used to broadcast the conference call, as recited in the claims of the present application.

#### 35 U.S.C. § 103 Rejections

Claims 1-3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolff et al. in view of Urs et al. Applicant respectfully traverses these rejections and provides the following remarks.

Regarding claims 1-3, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of these claims. For example, Applicant submits that none of the cited references disclose or suggest recording the conference call within the network infrastructure of the mobile telephone network used to broadcast the conference call in response to a signal from the group member, as recited in the claims of the present application. The Examiner now asserts that these limitations are disclosed in Wolff et al. at paragraph 23 (previously asserted paragraphs 18, 19, 39 and 47). However, Wolff et al. merely discloses that communication devices enable members of a group that use the point-to-multipoint audio communication system to communicate audio information with one another, and that audio information transmitted by a member of the group using the member's communication device may be simultaneously communicated to communication devices of the other members of the group. This is not recording the conference call within the network infrastructure of the mobile telephone network used to broadcast the conference call in response to a signal from the group member that initiated the conference call by sending a request, as recited in the claims of the present application. The disclosure in Wolf et al. of audio information transmitted by a member of the group using the member's communication device being simultaneously communicated to communication devices of the other

members of the group does not disclose or suggest these limitations in the claims of the present application. As noted previously, Wolff et al. discloses all audio information communications between devices used by members of a group being continuously monitored. This monitoring does not occur in response to a signal from the group member that initiated the conference call. Further, the disclosure in Wolf et al. of monitoring and recording the audio information for a period of time specified by a user of the Wolf invention does not disclose or suggest that the user is a group member or a group member that initiated the conference call by sending a request, as recited in the claims of the present application. Urs also fails to disclose or suggest these limitations. The Examiner commits clear error.

In addition, none of the cited references disclose or suggest the conference call being stored as a series of short monologue files, one monologue file for each change of speaker, each monologue file being stamped and stored with an identity of the associated speaker, as recited in the claims of the present application. The Examiner again asserts that these limitations are disclosed in Wolf et al. at paragraphs 76-80, 27, 64-65 and Figs 5A-E. The Examiner fails to address any of Applicant's previous arguments. As noted previously, these portions merely disclose storing of a conversation between several persons where details of the conversation such as the total length, date and time, and what portions are attributable to which persons are presented on a display allowing a user to control playing back of the conversation. Wolf et al. discloses storing the entire conversation as one audio file and identifying portions of the single file that are attributable to which persons when the audio conversation is presented on a display. This is not the conference call being stored as a series of short monologue files, one monologue file for each change of speaker, each monologue file being stamped and stored with an identity of the associated speaker, as recited in the claims of the present application. Wolf et al. discloses storing the entire conversation as one audio file. The Examiner commits clear error.

Further, Applicant submits that none of the cited references disclose or suggest transferring the recorded conference call to a voicemail server and copying the recorded conference call to a mailbox of the mobile telephone device users that did not participate in the conference call. The Examiner asserts that Wolff et al. discloses these

limitations in paragraphs 28-30 and 72. However, as noted previously, Wolff merely discloses using an audio information recorder system (AIRS) to monitor and record communications between communication devices (see, paragraph 27). This is not transferring the recorded conference call to a voice mail server, as recited in the claims of the present application. AIRS is merely an audio information recorder system (see, par. 190) and may even be incorporated as part of one of the communication devices (see, par. 20). The AIRS disclosed in Wolff et al. is not a voicemail server, as recited in the claims of the present application. Urs also fails to disclose or suggest these limitations. The Examiner commits clear error.

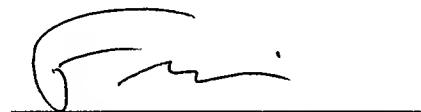
Moreover, none of the cited references disclose or suggest copying the recorded conference call to a mailbox of the mobile telephone device users that did not participate in the conference call. The Examiner again asserts that Wolff et al. discloses these limitations in paragraphs 34 and 72. However, as noted previously, Wolff et al. merely discloses that AIRS archives audio information corresponding to conversations (see, par. 27) and that users may retrieve the archived audio information, where users may be members of one or more groups, other users who may not be members of any group, and others (see, par. 28). Wolff et al. discloses merely storing the audio information for general access by anyone. Wolff does not disclose or suggest a mailbox of mobile telephone device users, or copying the recorded conference call to a mailbox of the mobile telephone device users, or copying the recorded conference call to a mailbox of the mobile telephone device users that did not participate in the conference call. Urs also fails to disclose or suggest these limitations. The disclosure in Wolff et al. of storing the audio information for general access by anyone does not disclose or suggest these limitations in the claims of the present application. The Examiner commits clear error.

Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1-3 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Accordingly, Applicant submits that none of the cited references, disclose, suggest or render obvious the limitations in the combination of each of the claims of the

present invention. The Examiner has committed clear error in making his rejections. Accordingly, as the Examiner's rejections have been shown to be in clear error and lack essential elements of a rejection as required under 35 U.S.C. §103 and related case law, for the reasons stated above, Applicant respectfully requests that the rejections of Applicant's claims in the present application be withdrawn and that these claims be allowed to issue.

Date: September 14, 2009



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